

**Questions for the Record Submitted by the Hon. Michelle K. Lee,
former Under Secretary of Commerce for Intellectual Property and Director
of the U.S. Patent and Trademark Office**

**Hearing: “Lost Einsteins: Lack of Diversity in Patent Inventorship and the Impact on
America’s Innovation Economy,” March 27, 2019 at 10 am EST,**

**U.S. House of Representatives Subcommittee on Courts, Intellectual Property and the
Internet Committee**

**Questions Submitted for the Record from Subcommittee Ranking Member Roby
Lost Einsteins: Lack of Diversity in Patent Inventorship and the Impact on America’s
Innovation Economy**

Question for All Witnesses

1. What recommendations have you for the United States Patent & Trademark Office and the Small Business Administration to help promote the participation of women and minorities in entrepreneurship activities and the patent system?

Answer: The U.S. Patent and Trademark Office (USPTO) could help promote the participation of women and minorities in the patent system as well as entrepreneurship activities in a number of ways.

First, the USPTO could consider collecting and publishing demographic data on its patent and trademark applicants. Understanding there may be sensitivities surrounding the collection and publication of this information, the Agency should engage in rule making to determine whether, how (including voluntary or mandatory disclosures), and what to collect (e.g, gender, age, ethnicity, veteran status). The Agency might also seek input on how best to share this information including by publishing a report summary and possibly providing application programming interfaces or “APIs” to the data for ease of study and use by external stakeholders.

Second, to the extent it does not do so already, the USPTO should consider systematically recording and monitoring participant numbers for all of its education, outreach and inventor assistance programs including through its Regional Offices and Inventor Assistance Center. As with the first suggestion, measuring and knowing who uses various of its many services will help the Agency provide better support through more effective and targeted programs and better allocation of resources. For example, if the women’s workshops are not well attended, it would be helpful to have a baseline measurement of numbers to aid in setting goals and timeframes for improvement over time.

Third, the USPTO should continue and (resources permitting) expand the many programs offered by the Agency in support of inventors and entrepreneurs including (1) AllInSTEM, (2) Camp Invention, (3) the Girl Scout IP patch, (4) the inventor trading cards, (5) inventor workshops, (6) outreach programs targeting schools, universities and technology incubators, (7)

the Patent Pro Bono and Pro Se Assistance programs, and (8) the Law School Clinic program, all with an eye toward increasing participation by women and other under-represented groups.

Fourth, the USPTO should work more closely with the Small Business Administration (SBA) including co-hosting more events, to reach a broader audience about the services and support offered by both the USPTO and SBA. There is much overlap between the target audiences of the USPTO and SBA. Even if the USPTO and SBA cannot co-host events, the USPTO should consider providing training and access to the USPTO's educational information and content so the SBA team can share with its stakeholders as appropriate. Similarly, the USPTO should consider obtaining educational information and content from SBA to share with appropriate USPTO stakeholders.

Questions for Michelle K. Lee, Former Director of the U.S. Patent and Trademark Office

1. The U.S.P.T.O has at least three existing programs for helping inventors cost-effectively apply for patents. They are the Patent pro bono program, the Pro Se Assistance Program, and the Law School Clinic Program. Would expanding access to these programs provide an immediate solution to assist women and minority inventors who have an invention but lack the means to apply for a patent?

Answer: Yes. The Patent Pro Bono and Pro Se programs in particular could benefit by expanding to achieve broader and deeper coverage.

2. What suggestions do you have for the U.S.P.T.O. to make their inventor assistance programs more widely known so that more inventors are able to participate in the patent system?

Answer: As discussed at the hearing, certainly improving accessibility of information on the USPTO website to make it easier to find relevant information would help. Over the years, the USPTO has made improvements to its website, but further improvements can always be made.

In addition, to the extent not already done, the USPTO should systematically mention these programs at all appropriate stakeholder outreach and engagement events, including through the four Regional Offices in Dallas, Denver, Detroit and Silicon Valley. These Regional Offices afford great reach nationwide and are led by Directors who know the communities and are therefore able to target the relevant groups with greater precision.

Also, given the many resources offered by the USPTO to inventors and entrepreneurs, the Agency could consider creating a “leave-behind” card at events and/or providing a QR code. This QR code could be scanned with a mobile phone and direct the user to content such as a summary of key inventor resources and links to where on the USPTO website to find more information. The “leave-behind” card could also contain such summary and link information. In my experience, many of the USPTO team members do mention these programs, but unless there is something written down that can be easily referenced when needed, it is easy to forget about these resources and/or where to go to learn more.